

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America
v.
Jose Maria Ferreira-TOMAZ
Maria Elisana Alves de Araujo-TOMAZ

Case No.

2019 SEP 23 AM 10:46

BY SF

3:19-mj-8571-MAT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 20, 2019 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

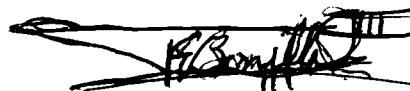
18 U.S.C 371

Offense Description

Two or more persons conspire to commit any offense against the United States, to defraud the United States, or any agency, in any manner or for any purpose.

This criminal complaint is based on these facts:

See Attached Affidavit

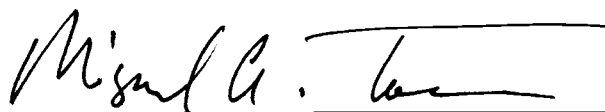
☒ Continued on the attached sheet.


Complainant's signature

Fernando E. Bonilla, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/23/2019


Judge's signature

City and state: El Paso, Texas

Miguel A. Torres - U.S. Magistrate Judge

Printed name and title

Affidavit

On September 19, 2019, husband and wife Jose Maria Ferreira-TOMAZ and Maria Elisana Alves de Araujo-TOMAZ entered the United States from Mexico without inspection at an area approximately .47 miles west of the Paso del Norte Port of Entry in El Paso, Texas. Ferreira-TOMAZ falsely claimed to United States Border Patrol (USBP) agents they were traveling with their underage daughter. The purported family are citizens and nationals of Brazil with no claim to United States Citizenship or legal immigration status as a Lawful Permanent Resident or otherwise.

Ferreira-TOMAZ, Alves de Araujo-TOMAZ and their underage daughter were part of a larger group who turned themselves into USBP Agents as soon as they crossed into the United States. Ferreira-TOMAZ stated to BPAs that he was traveling with his wife and daughter and their destination was Danbury, Connecticut. Ferreira-TOMAZ claimed his daughter was 3 years of age and presented a Brazilian birth certificate bearing the name, (initials M. E. A. T.), DOB: XX/XX/2015, Verification Number: 021535155-2015-1-00020-277-0000834-61, and passport number #GA226993 issued by the Republic of Brazil as proof of identification. Ferreira-TOMAZ, Alves de Araujo-TOMAZ and their underage daughter were processed through immigration as a family unit. During initial processing, USBP agents were not sure about the birth certificate for the child, so they wrote a referral to HSI special agents to check the documents for validity and DNA test to verify family relationship.

On September 20, 2019, at approximately 1200 hours, HSI El Paso special agents gained consent from both Ferreira-TOMAZ and Alves de Araujo-TOMAZ to provide a DNA test sample of all three of them. At approximately 1330 hours, the results came back as negative family relationship between the child and the parents.

At approximately 1340 hours, HSI special agents verified with a document expert from the HSI Forensic Document Laboratory (FDL) on site that the birth certificate issued to the child was fraudulent. The FDL document expert verified that the passport was genuine, but the information was based on the fraudulent document. The FDL document expert also verified the other documents such as the marriage certificate and the adult passports were genuine.

At approximately 1410 hours, HSI El Paso special agents presented a Portuguese version of the Miranda Warnings to Ferreira-TOMAZ and asked him if he could read in his native language to which he stated that he did. After reading, Ferreira-TOMAZ stated he understood his rights and agreed to speak to HSI special agents without an attorney present by signing the document. Ferreira-TOMAZ was given a Portuguese version to read of the consequences of violating Title 18 USC 1001 Lying to a Federal Law Enforcement Agent to which he stated he understood and signed.

At approximately 1415 hours, HSI El Paso special agents asked Ferreira-TOMAZ about the documents he had presented, and he stated that the certificate of marriage was a genuine

document but that the birth certificate for the child was fraudulent. Ferreira-TOMAZ stated he went to a fraudulent document purveyor and paid 500 Reals (about \$125 USD) for the fake birth certificate which he used to secure a passport for the child. Ferreira-TOMAZ stated his wife, Alves de Araujo-TOMAZ, knew of the scheme and participated willingly. Ferreira-TOMAZ stated the child is his niece and the daughter of his brother, Junior Ferreira-TOMAZ, who is living in North Carolina illegally and allowed them to use the child to enter the United States and remain together as a family unit. Ferreira-TOMAZ admitted being a two-time prior deport and relied on this scheme to come back to the United States.

A check of law enforcement data bases revealed that Ferreira-TOMAZ was deported from Connecticut in 2010 and from Texas in January 2019. Alves de Araujo-TOMAZ was deported from Texas in March 2019.

Case Agent: Fernando E. Bonilla